



Attorney Docket Number 2000.602 U

RECEIVED  
SEP 25 2002  
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

EGBERINK ET AL

Serial Number: 10/054,458

Group Art Unit: 1615

Filed: November 21, 2001

Examiner: To be assigned

For: PHARMACEUTICAL FORMULATION OF GEPIRONE FOR ORAL  
ADMINISTRATION

Supplemental Declaration Under 37 C.F.R. 55.25 §(3)

Assistant Commissioner for Patents  
Washington, D.C. 20231

August 26, 2002

I, Dr. Christophorus L.E. Broekkamp hereby declare:

In my Declaration Pursuant to 37 C.F.R. § 5.25 (3),  
signed May 7, 2002, beginning page 2, line 15, I stated:

"Following this procedure, I realized later that  
a US inventor was involved and that the invention was  
not made exclusively outside U.S. territory.  
Consequently, I realized that the first filing should  
have been made in the U.S."

This statement was not intended to indicate that at  
the time I filed the European application I was aware of  
the U.S. requirement that a license for foreign filing must  
first be obtained from the Commissioner of Patents if an  
application for a patent is to be filed in any foreign  
country prior to six months after filing in the United

States. In fact, I was not aware of the requirement at the time of the European filing. It was after the European filing and at about the time of making the inventorship determination that I learned of this from a colleague in the Patent Department in Oss.

Thus, at the time I filed the European application I was not aware that the invention was partially made in the United States, nor was I aware that, this being the case, it should first be filed in the United States or a license for foreign filing first obtained.

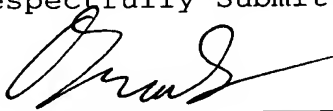
Given that I was not aware at the time of filing of the requirement or need for first filing in the United States nor was I aware that the invention was partially made in the United States, I believe the filing of the European application was made in error. I had no deceptive intent in doing so.

At the time I prepared the subject application I had been working in the Patent Department for 3 years, and not until April of 2002 I became entitled to act independently as Patent Attorney in the Netherlands. I have not yet completed the requirements to become a European Patent Attorney.

Furthermore, this was my first experience with an invention wholly or partially made in the United States. Patent applications for inventions made in the United States are normally prepared and filed by attorneys in our U.S. Patent Department. I have now adopted as my practice to determine whether any activities relating to any application I am drafting occurred in the United States before filing and, if so, making an inventorship determination and taking any other steps necessary to meet U.S. requirements.

I hereby I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,



Christophorus L.E. Broekkamp

26 - AUG - 2002

Date